

Internal Revenue Service, Treasury

§ 1.6038A-0

was due to reasonable cause will be determined by the Commissioner, or the Commissioner's delegate, under all the facts and circumstances.

(5) *Statute of limitations.* For exceptions to the limitations on assessment in the event of a failure to provide information under section 6038, see section 6501(c)(8).

(1) *Effective date.* Except as otherwise provided, this section shall apply for tax years of a foreign partnership ending on or after December 31, 2000. For tax years of a foreign partnership prior to December 23, 2002, see § 1.6038-3(j) in effect prior to these amendments (see 26 CFR part 1 revised April 1, 2002).

[T.D. 8850, 64 FR 72550, Dec. 28, 1999, as amended by T.D. 9033, 67 FR 78175, Dec. 23, 2002]

§ 1.6038-3T Information returns required of certain United States persons with respect to controlled foreign partnership (CFPs) (temporary).

(a) Through (i)(2) [Reserved]. For further guidance, see § 1.6038-3(a) through (i)(2).

(j) *Overlap with section 6031.* A partner may be required to file Form 8865 under this section and the foreign partnership in which it is a partner may also be required to file a Form 1065 or Form 1065-B under section 6031(e) for the same partnership tax year. For cases where a United States person is a controlling fifty-percent partner or a controlling ten-percent partner with respect to a foreign partnership, and that foreign partnership completes and files Form 1065 or Form 1065-B, the instructions for Form 8865 will specify the filing requirements that address this overlap in reporting obligations.

(k) [Reserved]. For further guidance, see § 1.6038-3(k).

(1) *Effective date.* This section shall apply to tax years of a foreign partnership ending on or after December 23, 2002. The applicability of this section expires on December 20, 2005.

[T.D. 9033, 67 FR 78176, Dec. 23, 2002]

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